

ASSEMBLY, No. 1860

STATE OF NEW JERSEY

220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

Assemblyman THOMAS P. GIBLIN

District 34 (Essex and Passaic)

SYNOPSIS

Provides for lower speed limits on certain residential access streets.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT pertaining to speed limits on residential access streets and
2 amending R.S.39:4-98.

3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. R.S.39:4-98 is amended to read as follows:

8 39:4-98. Rates of speed. Subject to the provisions of R.S.39:4-
9 96 and R.S.39:4-97 and except in those instances where a lower
10 speed is specified in this chapter, it shall be prima facie lawful for
11 the driver of a vehicle to drive it at a speed not exceeding the
12 following:

13 a. Twenty-five miles per hour, when passing through a school
14 zone during recess, when the presence of children is clearly visible
15 from the roadway, or while children are going to or leaving school,
16 during opening or closing hours;

17 b. (1) Twenty-five miles per hour in any business or residential
18 district;

19 (2) Thirty-five miles per hour in any suburban business or
20 residential district;

21 c. Fifty miles per hour in all other locations, except as
22 otherwise provided in the "Sixty-Five MPH Speed Limit
23 Implementation Act," pursuant to section 2 of P.L.1997, c.415
24 (C.39:4-98.3 et al.).

25 Whenever it shall be determined upon the basis of an engineering
26 and traffic investigation that any speed hereinbefore set forth is
27 greater or less than is reasonable or safe under the conditions found
28 to exist at any intersection or other place or upon any part of a
29 highway, the Commissioner of Transportation, with reference to
30 State highways, may by regulation and municipal or county
31 authorities, with reference to highways under their jurisdiction, may
32 by ordinance, in the case of municipal authorities, or by ordinance
33 or resolution, in the case of county authorities, subject to the
34 approval of the Commissioner of Transportation, except as
35 otherwise provided in R.S.39:4-8, designate a reasonable and safe
36 speed limit thereat which, subject to the provisions of R.S.39:4-96
37 and R.S.39:4-97, shall be prima facie lawful at all times or at such
38 times as may be determined, when appropriate signs giving notice
39 thereof are erected at such intersection, or other place or part of the
40 highway. Appropriate signs giving notice of the speed limits
41 authorized under the provisions of paragraph (1) of subsection b.
42 and subsection c. of this section may be erected if the commissioner
43 or the municipal or county authorities, as the case may be, so
44 determine they are necessary. Appropriate signs giving notice of
45 the speed limits authorized under the provisions of subsection a.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 and paragraph (2) of subsection b. of this section shall be erected by
2 the commissioner or the municipal or county authorities, as
3 appropriate.

4 Upon request from a community association or a majority of the
5 residents in a neighborhood, with the approval of the appropriate
6 governing body, the Commissioner of Transportation shall
7 designate a speed limit of no more than 15 or 20 miles per hour on
8 all residential access streets, as defined in N.J.A.C.5:21-4.1, within
9 that community or neighborhood, provided the majority of the
10 streets within that community or neighborhood do not have
11 sidewalks and the commissioner or the community association erect
12 appropriate signs giving notice thereof.

13 When designating reasonable and safe speed limits for a street
14 under its jurisdiction pursuant to this subsection, as part of an
15 engineering and traffic investigation, a municipality or county shall
16 consider, but not be limited to, the following criteria: residential
17 density; the presence, or lack, of sidewalks; the prevalence of entry
18 and exit ways for business and commercial establishments; whether
19 school children walk adjacent to the street on their way to and from
20 school; and the proximity of recreational or park areas, schools,
21 community residences, family day care homes, child care centers,
22 assisted living facilities or senior communities. Nothing in this
23 paragraph shall substitute for traffic count, accident, and speed
24 sampling data as appropriate.

25 The driver of every vehicle shall, consistent with the
26 requirements of this section, drive at an appropriate reduced speed
27 when approaching and crossing an intersection or railway grade
28 crossing, when approaching and going around a curve, when
29 approaching a hill crest, when traveling upon any narrow or
30 winding roadway, and when special hazard exists with respect to
31 pedestrians or other traffic or by reason of weather or highway
32 conditions.

33 The Commissioner of Transportation shall cause the erection and
34 maintenance of signs at such points of entrance to the State as are
35 deemed advisable, setting forth the lawful rates of speed, the
36 wording of which shall be within his discretion.

37 (cf: P.L.2009, c.258, s.1)

38
39 2. This act shall take effect on the first day of the seventh
40 month following enactment.

41 42 43 STATEMENT

44
45 This bill would require the Commissioner of Transportation to
46 designate a speed limit of not more than 15 or 20 miles per hour on
47 all residential access streets within a community or neighborhood,
48 upon the request of a community association or a majority of the

1 residents in a neighborhood, with the approval of the appropriate
2 governing body. The bill is limited to communities or
3 neighborhoods in which a majority of the streets do not have
4 sidewalks. The bill also requires the commission or community
5 association to erect signs giving notice of the reduced speed limit.
6 The bill specifies that “residential access street” would have the
7 meaning used in the New Jersey Administrative Code. Under the
8 code, residential access streets are the lowest order of residential
9 streets, not including rural streets. These streets provide access to
10 properties without acting as through streets. They are designed to
11 carry the least amount of traffic at the lowest speed, and are
12 generally found in residential developments.